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Attorney for Defendants Fulton 55, LLC
and Tony Martin

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CALEB L. MCGILLVARY,
Plaintiff,
v.
NETFLIX, INC., et al.,
Defendants.

No. 2:23-cv-01195-JLS-SK

**Defendants Fulton 55, LLC and
Tony Martin's Supplemental
Memorandum of Points and
Authorities in Support of Motion to
Dismiss (ECF 147)**

Date: May 10, 2024
Time: 10:30 a.m.
Dep't: Courtroom 8A

Plaintiff Caleb L. McGillvary's second amended complaint (ECF 115-2) does not differ substantially from his first amended complaint (ECF 18). The only new allegations that purportedly affect defendants Fulton 55 and Tony Martin are those alleging that Martin acted as defendant RawTV's agent. As defendant Netflix points out in its supplemental brief, these allegations are nothing but a misguided attempt to bring Defendants' actions under Delaware law. (ECF 159, at 3:1-4:10).

The second amended complaint breaks down Plaintiffs' various claims into 51 counts. Fulton 55 and Martin will file an amended brief identifying the counts they seek to dismiss and conforming the paragraph and page citations to the second amended complaint.

Respectfully submitted,

Dated: March 4, 2024

/s/ James C. Eschen
James C. Eschen
Attorney for defendants Fulton 55
and Tony Martin

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for defendants Fulton 55 and Tony Martin, certifies that this brief contains 111 words, which complies with the word limit of L.R. 11-6.1

Dated: March 4, 2024

/s/ James C. Eschen
James C. Eschen
Attorney for defendants Fulton 55 and
Tony Martin

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2024, a true copy of the foregoing was served on Plaintiff via U.S. Mail to the address provided in his pleadings:

Caleb L. McGillvary
#1222655/SBI#102317G
New Jersey State Prison
P.O. Box 861
Trenton, NJ 08625

Dated: March 4, 2024

James C. Eschen
James C. Eschen